

Appl. No. 10/030,596

Attorney Docket No. 10547-751

## II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-8 and 12 remain pending.

### *Allowed Subject Matter*

The Examiner's indication that claims 3-8 are allowed is gratefully acknowledged.

### *Further Claim Clarifications*

Prior to discussing the references, it is believed that a brief discussion on the current form of the Independent claims of this application is warranted. Claim 1 of this application has been amended to clarify, more particularly to point out and distinctly claim that which applicants regard as the subject matter of the present invention. Specifically, claim 1 now recites that an optical pickup, being movable between a park position when not in operation and an operating position when in operation, has wall portions defining a cavity having an opening and an objective lens disposed within the cavity. Additionally, claim 1 recites an actuator controller configured to induce a magnetic field interacting with the optical pickup to actively control the lens position within the cavity via the magnetic field when the optical pickup is in the park position.



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*Claim Rejections - 35 U.S.C. § 102(b)*

Claims 1, 2 and 12 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,100,534, to Enari et al. ("Enari"). Applicants respectfully traverse these rejections.

As stated previously, claim 1 has been amended to recite that an optical pickup, being movable between a park position when not in operation and an operating position when in operation, has wall portions defining a cavity having an opening and an objective lens disposed within the cavity. Additionally, claim 1 recites an actuator controller configured to induce a magnetic field interacting with the optical pickup to actively control the lens position within the cavity via the magnetic field when the optical pickup is in the park position.

The Examiner states that Enari discloses an actuator controller characterized in that the actuator controller actively controls the lens position when the optical pickup is not being used with the optical medium. A careful reading of Enari will reveal that a controller operates a stepper motor to move an optical head (optical pickup) to a home (park) position when not in use. (Column 7, lines 62-67) However, Enari makes no mention to what happens to the lens disposed within the optical head (optical pickup) once the optical head has been moved to the home (park) position.

Amended claim 1 recites that once the optical pickup is in the park position, an actuator controller is configured to induce a magnetic field interacting with the optical pickup to actively control the lens position within the cavity via the magnetic field. This is all done while the optical pickup is in the park position. The Examiner



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has stated that the stepper motor of Enari actively controls the lens position by "actively not activating" the stepper motor. However, the applicants usage of the term defines "actively controlling via a magnetic field" as per a more customary meaning of a magnetic field itself interacting with the optical pickup and directly controlling the position of the lens. This is contrary to the examiner's position where the field of the stepper motor never itself interacts with the optical pickup. Furthermore, the applicants assert that one does not *actively* control the position of the lens by "actively not activating" a stepper motor. In fact, the examiner's position is one in which "no control" is exerted, once in the park position, since the system is shut down. "Active control", as that term is used by Applicants, is directly in opposition to "no control".

From this, it is submitted that Enari fails to disclose all the elements of the invention claimed. Therefore, the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Claims 2 and 12 are dependant on claim 1 and are allowable for at least the same reasons given in support of claim 1.

*Claim Rejections - 35 U.S.C. §103(a)*

Claims 1, 2, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Enari in view of U.S. Patent No. 6,262,554 to Kojima et al. ("Kojima"). Applicant respectfully traverses this rejection.

The Examiner states that Enari discloses an actuator controller characterized in that the actuator controller actively controls the lens position when the optical pickup is not being used with the optical medium. Additionally, the Examiner states

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Kojima makes specific mention that it is a stepper motor actuated using a magnetic field, not the optical pickup itself. As stated previously, Enari makes no mention as to what controls or happens to the lens after the optical head (optical pickup) has been moved to the home (park) position.

Amended claim 1 recites that after the optical pickup has been moved to the park position, the actuator controller is configured to actively control the lens position within the cavity, via a magnetic field interacting with the optical pickup, when the optical pickup is in the park position. The Examiner has stated that the stepper motor of Enari actively controls the lens position by "actively not activating" the stepper motor. However, the applicants define "actively controlling via a magnetic field" using the more customary meaning of a magnetic field directly controlling the position of the lens, instead of indirectly through a conduit, such as a stepper motor. Furthermore, as asserted above one does not *actively* control the position of the lens by inactivity. "Not activating", while it may be a form of control, is not "active control".

Since Enari in combination with Kojima does not disclose all of the elements of the claimed invention, the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Claims 2 and 12 are dependant on claim 1 and are allowable for at least the same reasons given in support of claim 1.

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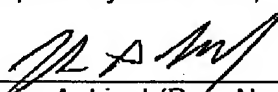
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*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

January 3, 2006  
Date

  
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Attachments: